Thank you for taking the time to speak with me this morning to clarify the response which EPA provided to the above-referenced FOIA request. My understanding of our conversation is as follows:

- EPA's official policy/scientific guidance on the matter is contained entirely within the standards listed in the Gold Book, as provided in its Final Response.
- EPA currently has no official records dealing with DO variation as a water quality impairment in and of itself (that is, when DO levels never drop below the daily minimum OR the 7-day mean minimum)
- EPA has been made aware of this particular issue via discussions with the states and ACWA, and the Agency has received a white paper from ACWA raising the issue (among others).
- Your understanding is that enforcement issues most commonly arise at the state level when the daily (24-hour average) DO is interpreted/enacted as an instantaneous minimum, particularly now that continuous monitoring (versus daily grab samples) is more widespread.
  I wouldn't say enforcement issues – from my perspective the issue is decisions to list on a respective state's 303(d) list
- EPA has not yet begun the actual process of revising standards or providing implementation guidance for instantaneous minimum DO levels, but it is beginning to discuss what should be done, now that the issue has been brought to the Agency's attention.
  I would say that initial discussions with the states to understand the issues has taken place through the ACWA WQS forum; EPA has not contemplated any actions or activity RE standards revision or implementation guidance at this time.
- Any records particularly relating to implementation of DO variation as an impairment criteria in and of itself would most likely be located at the Regional offices, although the Office of Wetlands, Oceans, and Watersheds (OWOW) may have some additional information/records.

If I've misinterpreted something you said, or left something out, please don't hesitate to correct me. Thanks again for your call!

Regards,

Alexander J. E. English
Law Clerk
Hall & Associates
1620 I Street, NW, Suite 701
Washington, DC 20006
Phone: 202-463-1166
Fax: 202-463-4207
E-Mail: aenglish@hall-associates.com

STANDARD METHODS
FOR THE
EXAMINATION OF WATER AND WASTEWATER
JOINT EDITORIAL BOARD

MEMORANDUM

Andrew Eaton

TO: *Standard Methods* Users
Biochemical Oxygen Demand

FROM: Andrew Eaton
Joint Editorial Board

RE: BOD as an Indicator of Nutrient Pollution DATE: November 19, 2014

This letter is in response to questions about the use of the BOD test as a measure of nutrient pollution. The BOD test (Standard Method 5210 B) is not considered to provide an appropriate measure of nutrient pollution nor is it a valid predictor of nutrient impacts. The BOD test is specifically intended to measure oxygen demand due to the biochemical degradation of organic material by microorganisms (bacteria) and includes the oxygen used to oxidize inorganic materials such as sulfides and ferrous iron. The test may also measure the amount of oxygen used to biologically oxidize reduced forms of nitrogen such as ammonia unless an inhibitor is used. Nutrients (N and P) do not exhibit an oxygen demand, per se, and where significant concentrations of viable algal cells are present in a sample, algal induced "BOD" does not represent the microbial degradation of organic substances that the test is intended to measure. Biostimulation tests (*Standard Method* 8111) are better suited to determine the impact of non-carbon nutrients on algal growth than are BOD tests.

Furthermore, the BOD5 test requires the addition of nutrients to the sample as part of the test procedure. This has been shown to be a necessary step to ensure optimum utilization of organic matter by the test organisms in the various dilutions used in the assay. However, the act of adding nutrients to the test bottle further limits the ability to use the BOD5 test as a predictor of non-carbon nutrient loading in a receiving water. This is especially true in view of the fact that phosphate and nitrate are typically the major non-carbon nutrients contributing to stream degradation, and they do no exert any oxygen demand since they are already oxidized to the highest oxidation state of the parent nutrient atoms (N and P).

Attachment 4

From: Pond, Greg
Sent: Wednesday, December 30, 2015 10:47 AM
To: Richardson, William <Richardson.William@epa.gov>
Subject: RE: Nutrient comments

Bill-sorry it has taken so long for me to get back to you on this. Having further read the comments, I have to say I agree with them on many fronts (there are some holes in PADEP protocol logic). I guess on the diel DO front, that indicator is best used as an indicator of algal productivity (DO flux and Chl a are tight). Sure, there are biological metrics that indeed respond strongly to DO flux, but those could also possibly relate to interferences associated with excessive algal growth/gross productivity/stream metabolism (they are collinear). Without sags below DO thresholds (hypoxia, or <5 mg/l) I'm not sure the science is settled on the idea that flux itself it the stressor, but it's a damn good indicator and one not always need cause-effect proof for an indicator that correlates (after controlling for other confounders of course) to be useful to protect aquatic life. If anything, pH flux (which aligns also with primary productivity and DO flux) might be more of a physiological stressor on organisms (fluxing from say 6.8 to 8.8 on a daily basis, for example).

I guess PA needed to show (with their own data set) that benthos are negatively associated (impairment) with nutrients and algae, and then use DO flux as an ecosystem function indicator of impairment. Unless PA writes in DO flux criteria (as an indicator), it leaves them vulnerable if they say it constitutes impairment. One other thing from the nutrient workshop I attended in '13, that DO flux should not be used in headwater streams (i.e. smaller high gradient cool/cold water streams).

What is PADEP's timeline for revising?
Greg

From: Richardson, William
Sent: Wednesday, December 09, 2015 1:48 PM
To: Pond, Greg <Pond.Greg@epa.gov>
Subject: FW: Nutrient comments

Hi Greg,
PADEP received the attached comments from Hall and Associates on their nutrient assessment methodology. PADEP is pulling the method for 2016 due to the comments. One of Halls main comments that concerned PADEP is that diel DO swings do not constitute an impairment. Are you aware of any literature related to diel DO swings and stress to aquatic life? I am hoping to provide some info to PADEP to help support them (if it exists). If you have any rebuttals to the Hall's comments feel free to share if you have time. Thanks.

Bill Richardson
Office of Standards, Assessment and TMDLs
U.S. EPA Region 3
1650 Arch Street (3WP30)
Philadelphia, PA 19103
215-814-5675

Attachment 5

From: Walters, Gary [mailto:gawalters@pa.gov]
Sent: Friday, December 04, 2015 2:22 PM
To: Richardson, William <Richardson.William@epa.gov>
Subject: Nutrient comments

Here are the comments we received.

Gary Walters | **Environmental Group Mgr** | Chief, Assessment Section
Environmental Protection | Point & Non-Point Source Management
Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.783.7964 | Fax: 717.772.3249|email gawalters@pa.gov
www.dep.pa.gov

FLAHERTY | HOOD P.A.

525 Park Street
Suite 470
St. Paul, MN 55103

UNITED STATES POSTAL SERVICE.

Retail

P

US POSTAGE PAID
$7.40

Origin: 55104
Destination: 20460
0 Lb 7.20 Oz
Feb 15, 17
2683410011-03

1006

PRIORITY MAIL ®2-Day

Expected Delivery Day: 02/18/2017

USPS TRACKING NUMBER

9505 5154 8246 7046 0746 79

Mr. Don Benton
Office of Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Route EPA Mail

To: Benton,Donald

Mailstop ARN

Department: 1101A

Sigcon

5515482467046074679

President Trump has Promised that the People can Take Back their Government

Director Scott Pruitt 1-27-2017

Dear Director

Why am I asking for your Help for and Behalf of the Citizens of Ada/Canyon Counties Idaho?

To Repeal a 2008 ozone law That was never needed that would Terminate Vehicle Emission Testing for Ozone

We Need to Require the DEQ Director to Amend The Feb 2011 Carbon Monoxide SIP Putting Vehicle Testing in Contingency
From DEQ submission of amended SIP to EPA Region Ten acceptance is usually a year
Review of Seed Sheet on CO conclusion Testing Never Needed Since 1988

Please Review My Reasons and I welcome a Staff Member to talk To
EPA Involvement would Direct Region 10 to accept CO amendment Immediately

Please Respond Positively

(b) (6)

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

November 18, 2016

Sent Via U.S. Mail
Senator Todd Lakey
Borton – Lakey Law Offices
141 E. Carlton Avenue
Meridian, ID 83642

Re: Request for Opinion dated September 14, 2016

Dear Senator Lakey,

You have asked this office if the Idaho legislature has the authority to require the Idaho Department of Environmental Quality (DEQ) and or their Director to modify the Northern Ada County Air Quality Second Ten-Year Carbon Monoxide Limited Maintenance Plan (CO Plan) by removing vehicle emissions testing as a control measure and designating it as a contingency measure instead.

The short answer is yes, the Idaho Legislature could require DEQ to modify the CO Plan to remove vehicle emissions testing as a control measure and redesignate it as a contingency measure. Although Section 107 of the federal Clean Air Act provides that the Governor of the state submit national ambient air quality standard (NAAQS) designations, it is the Idaho Legislature that provides DEQ with the authority under the Environmental Protection and Health Act to administer a system to safe guard air quality, which includes the authority to develop the CO Plan. Idaho Code Section 39-105(3)(d). The Legislature could amend this authorization in the Environmental Protection and Health Act to provide direction with respect to the CO Plan.

The CO Plan is federally approved and thus, federal law. See 40 CFR 52.672(a)(2). Therefore, to remove emission testing as a control measure from the CO Plan, DEQ would be required to demonstrate to the United States Environmental Protection Agency (EPA), through a state implementation plan (SIP) revision, that the CO NAAQS could be maintained without the testing program. This process could take several years. It should be noted that the CO Plan was approved on February 10, 2011; therefore, because the Clean Air Act is silent with respect to what is required of a state after a second ten year maintenance period expires, a good argument

Natural Resources Division, Environmental Quality Section
1410 N. Hilton, 2nd Floor, Boise, Idaho 83706-1255
Telephone: (208) 373-0494, FAX: (208) 373-0481

exits that at the conclusion of this second maintenance period, February 10, 2021, emissions testing will no longer be federally required for CO.

It should also be noted that vehicle emission testing would not cease if it was no longer a control measure in the CO Plan. Currently, emission testing is conducted in Ada county and its cities under local ordinances and administered by the Air Quality Board developed under an exercise of a joint powers agreement. A change in DEQ's authority would not directly affect such local ordinances. Additionally, emissions testing is required in Ada and Canyon counties and their cities pursuant to Idaho Code Section 39-116B due to ambient concentrations of the ozone NAAQS.

This answer does not address the technical question of whether DEQ would be able to demonstrate to EPA's satisfaction that the CO NAAQS could be maintained without the program, nor does it address the reductions and ramifications the emissions testing program has on other pollutants subject to a NAAQS – namely PM2.5 (particulate matter with a diameter of less than 2.5 microns) and ozone.

This letter is provided to assist you. The response is an informal and unofficial expression of the views of this Office based upon the research of the author.

Sincerely,

Lisa J. Carlson
Deputy Attorney General

cc: Brian Kane, Assistant Chief Deputy, Office of the Attorney General
Tiffany Floyd, Air Quality Administrator, Department of Environmental Quality

Does n. ada county ever need since 1988 a control measure of vehicle emission testing for carbon monoxide (c.o.) ?

The DEQ in submitting their 2001 c.o. plan used old science *8 consecutive quarters* 1995-1996 stating THESE YEARS ARE REPRESENTATIVE OF CURRENT EMISSION LEVILS—not true at all the 2000-2001 c.o. 8hr. max were 3.1-3.2 against the standard of 9 instead of using a lower value they used 7.4ppm from 1995

In response to IDEQs dishonesty the 2003 Idaho Legislature passed HB150 fully supported by IACI requiring the IDEQ to use the best available data which has been subject to peer reviewed science and supporting studies *when proposing rules to protect* human health and environment
Senator Mc Kenzie wondered why they opposed the bill –which they did ignoring the law IDEQ never stopped using olde science. Dec. 27 2002 EPA accepts IDEQs c.o. plan

Air quality experts all agree the *i/m program for c.o.* hasn't been needed since 1988.Grant Ipsen said his testing station had few failures and in his letter to Senator Bunderson he quotes both Mc Gown of IDEQ and Stoll of Compass agreeing its not needed any more so if it was not needed why did Ideq put it *in the* 2001 plan because they couid.

Nov 30,2004 a legislative interm com. Mr. Mc gown again reaffirms vehicle i/m is not needed as carbon monoxide no longer a problem. May24 206 McGown beforer a tvaqc meetingtalked about legal terms to eliminate c.o. testing IDEQ passed out hjandouts at 2 air quality meetings stating c.o. not an issue

DEQdirector tony hardesty said she didn't have authority to stop testing jan.25 2007 wayne elson EPA says she *cando it anytime* may 2007 jan25,2007 hardesty DEQ says new cars have solved thec.o. problem 7-27-2006 EPA explains how state can put i/m in contingency

July 15,2009 letter from martin bower administer DEQ air quality division to lt gov brad little answeri ng questions by al freeman page 2b every 10 years DEQ is required to review and updateits state implement plan (sip) we have just started that update ,we plan to request that the i/m programbe removed from the sip DEQ agrees with mr freeman the i/m programis no longer necessaryto reduce carbon monoxide

Feb.2011 DEQ submits 2nd c.o. plan to EPA page 5 of that plan air quality criteria no violations of c.o., more than one exceedance in a single year recorded since 1986 current c.o. levels arewell below the 8 hr.naaqs of 9ppm with a design value of 2.9 page 7 ada co. i/m program continues not put into contingency as martin bauer promised. EPA in approving the 2nd plan page45962 explains the8 hr .c.o. standard is attained when it doesn't exceed 9 parts per milliian SINCE 2002 THE HIGHEST WAS 3.3 PPM EPA explains last violation*1986 last exceedance jan.*1991 based on 2010-2011 is1.6ppm DEQ set their maintence requirement at a high of7.65 go figure EPA says n.ada has adequetly demostated it will maintain the c.o. naaqs into th future

Conclusion the2001 c.o. plan was submitted when the actual reading was 3.2 standard being 9 the EPA finds the 2010-2011 reading at 1.6 ppm of the9 standard all the air quality experts have testified that testing for c.o.in n. ada not needed since 1988 EPA supports that in their low quotes for both 2001 and 2011 plans testing should be placed into contingency theDEQ director can make that possible the AGs office has legally stated that the legislature has the authority to require the Director to modify the c.o. plan

Information provided by (b) (6)
(b) (6)

Dear Legislator Making valleywide emission testing is DEQs' longterm agenda (2000)
The 2008 law was passed to require reductions of ozone precursors nox and voc through vehicle emission testing in Ada and Canyon counties
DEQ withheld from the Legislature the information that they had already achieved those reductions WITHOUT VEHICLE TESTING reductions are found in a PEER REVIEW STATE IMPLEMENT PLAN DEQ was required by the EPA to produce by 2002

In 2001there was a court ordered settlement agreement between 5 envionment groups and EPA ,DEQ, and Compass , a local planning group as part of that agreement the Idaho Department of Enveronmental Quality (DEQ) was required by the EPA to submit a plan which provided a vehicle Emission Reduction
The Federal Register of july 2003 explains the reduction expected of nox andvoc vehicle emissions 1999through 2009, 2010 through 2014, 2015 on. All parties involved in the 2001 agreement walked t hroughthe State plan page by page july 2002 and agreed it met the settlement requirements.

The state implement plan(sip) developed by environ international, commissioned at a cost of $2 million by deq to meet epa requirements (environs allison pollock certfies the work) provides the needed vehicle emission reductions with no active vehicle testing from 1999 to 2020 qualifing n. ada county in attainment for pm10(sept 30 2003)
why no vehiucle testing needed is answered on page 4-4 of this great scientific document on-road emissions for ctiteria pollutants nox voc, and co decrease in future years despite vmt growth, as fleet turnover introduces more new vehicles that meet tighter enission standards (NEW CARS)

To clarify the reduction of ozone producing nox and voc we made this information sheet from the full page charts in the State Peer Review Science Plan (examples 1999 and 2010.

deqs vehicle emission reduction must also meet the approval of transportation funding under the federal transit act the 1999 emissions nox 50% voc15% used by deq to pass HB586 would only apply through 2009 by 2010 vehicle emission reductions are nox 20,5% voc8.3% appling throug 2014 nov 16 2009 compass (the regional transportation authority) accepts the 2010-2014 reductions securing federal funding
HB586enforced by deq with the clear knowledge that the very nox and voc reductions they were required by epa to produce and agreed to had already been met before rules passed by 2010 legislature and testing forced on canyon co. /kuna 2010

The same DEQ met with the Canyon Co. Commision on april 12, 2010 using their latest science 1999 nox50% voc 20% vehicle emissions as the need for testing exactly the same science DEQ used when they demanded testing in 2002 of Canyon Co.

How could the new testing law improve Ada Co.s air quality? Since 1988 they have tested for a non-existent program according to Mike Mc Gown of DEQ andMatt Stoll of Compass. Further the testing stations do not analize the gases, so they don't test for nox that is why everything is an estimate it should come as no supprise that in feb.2011 DEQ renewed for 10 years the carbon monoxide plan with vehicle emission testing not needed since 1988

DEQs conclusion after oner year of testing for ozone precursors nox and voc is that emission testing is the most effective of all measures in reducing them.
how effective are the testing reductions page 4-4 2010 pm10 lists ada /canyons vehicle emissions 5703 nox 3085 voc equals8788t/y deqs 2010-2011 testing review ada 690nox/voc andcanyon reductions378 nox / vocs equals1068 t/y deducting 1068 from 8788 leaves 7720 t/y remaining 1068 is 12.15 % of 8788 t/y
total valley emissions nox 27,762 voc 36952 tons per year equals 64,714 minus testing reductions 1068 leaves 63,646 remaining 1068 is1.65% of all valley emissions

what is theeconomic annual loss to valley business adas cars tested 122394 canyon54453 equals176847 times $10.00 equals$1,768470 which doesnt include drivers who had to spend up to a thousand dollars because the check engine light was on ,as well as sales tax lost
all this because forced testing only cleanes less than 2% of the air

This information provided b (b) (6)
(b) (6)

BOISE ID 837
USA FOREVER
USA FOREVER
FEB 0 6 2017
Director Scott Pruitt
USEPA Headquarters
William Clinton Bldg
1200 Pennsylvania Ave NW
Washington DC 20460
FCL20358390
(b) (6)

2/23

RE

2017 FEB 23 PM 1:00

OFFICE OF THE
EXECUTIVE SECRETARIAT

Scott Pruitt, EPA Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dr. Mr. Pruitt,

The Heating, Ventilation, Air Conditioning and Refrigeration "HVACR" industry, is the largest user of energy, with the exception of transportation, per the United States Department of Energy. It employs more than one and a half million workers in the installation, service, and building maintenance fields that cannot be exported or automated.

These high paying middle class jobs have expanded exponentially as a direct result of one EPA regulation. The EPA Section 608 Refrigerant Management Program - 40 CFR Part 82, is example of where government regulations can help industry and has created thousands of new jobs.

This regulation has created:

- **New American Manufacturing Jobs**
- **A Better Trained Workforce**
- **Opportunities for Improvements in Energy Efficiency**
- **New Revenue Sources for HVACR Contractors and Manufacturers**

New American Manufacturing Jobs
Recovery of refrigerants was non-existent prior to 1992, when venting refrigerant became illegal. Section 608 requires that regulated refrigerants be recovered from HVACR equipment prior to service or disposal and sets leak rate limits on operating HVACR systems.

To recover refrigerant and leak test equipment, a service technician needs a machine that recovers refrigerant, and a test instrument for detecting leaks. To ensure technicians could comply with the regulation, American companies began to manufacture recovery machines, leak detectors, various tools and accessories used in the process.

These American based manufacturing jobs, are part of an entire new industry, that was created to help the HVACR industry comply with the Section 608 regulation.

Improving the Technical Competency of the HVACR Workforce
The process of recovering refrigerant requires not only the specialized equipment, but highly skilled technicians to properly operate the equipment.

Prior to the Section 608 regulation, most people interested in being an HVACR technician learned the trade on the job, from others who themselves, learned the trade on the job. The Section 608 requirement for technicians to become certified to work with refrigerants, kick-started the need for formal, technical training.

To obtain their Section 608 EPA Certification card, a greater number of individuals attended accredited HVACR educational programs at community colleges and trade schools. Through formal education, individuals learned the physics and theories necessary for proper installation and servicing of HVACR equipment, proper refrigerant recovery techniques, and obtained their certification.

The technical competency of the HVACR workforce has improved because of the requirement for certification. This has helped HVACR business owners find better trained employees, which have fewer service call backs, making them more profitable employees to hire, and helped improve the salaries of HVACR technicians. Additionally, this education process has led to greater equipment efficiency requiring less energy to accomplish the same goals, and extend the lifecycle of modern equipment.

Improved Energy Efficiency
To satisfy the Section 608 requirements, refrigerant manufacturers developed new refrigerants that are more efficient, and HVACR manufacturers started to make new smaller and more efficient units. Because of these actions, HVACR equipment operates more efficiently, saving consumers money in the operating HVACR equipment.

New Business Opportunities
HVACR contractors that install, service and maintain HVACR equipment have not been burdened by the Section 608 regulation. Instead, it has created new business opportunities, that have led to an increase in profits.

Section 608 requires commercial and industrial users of refrigerants to have regularly scheduled leak inspections. These leak inspections are opportunities for HVACR contractor to perform service calls where they verify that the equipment is running as effectively and efficiently as possible.

Through these required leak inspections, building owners have seen significant savings on system operation, maintenance and repairs. One EPA program, GreenChill working with supermarkets nationwide has reduced the lead rate of refrigerants from these facilities by over 10 million pounds of refrigerant per year. These savings can be used to help the businesses occupying these buildings improve their bottom line or finance expansion.

Summary
The Section 608 Refrigerant Management Program has been essential to the growth of the HVACR industry and keeping the environment healthier. Having created thousands of new jobs including new American manufacturing and service jobs, improved the competency of the workforce which has helped Americans reduce energy usage, this regulation has been essential to the growth of the HVACR industry and the American economy.

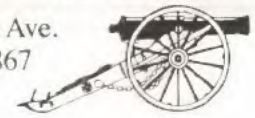
Seeing the benefits of this program, I would like to invite you to work with us and our partners in the HVACR industry to modernize this program that has been essential to job creation in our industry.

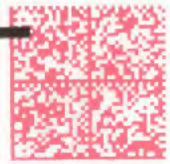
Sincerely,

Russell Harju
Fieldpiece Instruments
Owner
rharju@fieldpiece.com
714 634 1844

Fieldpiece

1636 West Collins Ave.
Orange, CA 92867





Scott Pruitt, EPA Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington DC 20460

FEB 22

AFPM
American
Fuel & Petrochemical
Manufacturers

energy API

2017 FEB 23 PM 2:29

OFFICE OF THE
EXECUTIVE SECRETARIAT

February 17, 2017

Administrator Scott Pruitt
CC: Acting Administrator Catherine McCabe
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code: 1101A
Washington, D.C. 20460

Re: Request for Further Delay of Effective Date for the Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act (82 FR 4594)

Dear Administrator Pruitt,

The American Fuel & Petrochemical Manufacturers ("AFPM") and the American Petroleum Institute ("API") respectfully request that the effective date of the U.S. Environmental Protection Agency's ("EPA") *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act* ("RMP Rule") be delayed at least an additional 90 days beyond the current March 21, 2017 effective date.

AFPM is a trade association whose members include approximately 400 companies that encompass virtually all U.S. refining and petrochemical manufacturing capacity. AFPM has a significant interest in the effective date of the RMP Rule because most of its members operate facilities that are subject to the RMP Rule.

API's more than 625 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms, representing all facets of the oil and natural gas industry.

On January 13, 2017, EPA's RMP Rule was published in the *Federal Register*. One week later, the White House Office of the Press Secretary released a Memorandum for the Heads of Executive Departments and Agencies implementing a Regulatory Freeze Pending Review. This memorandum postponed the effective date of all regulations that have been published in the *Federal Register* but have not yet taken effect by 60 days to March 21, 2017, while also recognizing that "the Agency may consider delaying the effective dates" beyond March 21, 2017. The purpose of this freeze is to facilitate the review of recently published regulations by the new Administration. With your recent confirmation as EPA's Administrator, an additional delay of the effective date is needed to allow your meaningful review of the RMP Rule.

On February 1, 2017, Representative Markwayne Mullin introduced a Congressional Review Act ("CRA") resolution of disapproval of the RMP Rule, highlighting the various failures of the RMP Rule, including the increased security concerns from mandating sharing of sensitive information; the costliness of the rule with no corresponding benefit to safety; and EPA's lack of

statutory authority to promulgate the RMP Rule due to its encroachment into the Occupational Safety and Health Administration's ("OSHA") jurisdiction.

Given the significant failings of the RMP Rule, supported by the numerous comments submitted, AFPM and API urge EPA to further delay the effective date of the RMP Rule, at a minimum, by an additional 90 days to allow time for the new Administration to thoroughly review the rule in order to adequately address the many concerns raised by stakeholders.

Sincerely,

Richard Moskowitz
General Counsel
(202) 552-8474
RMoskowtiz@afpm.org

Ron Chittim
Manager – Downstream/Refining
API
(202) 682-8176
Chittim@api.org

American
Fuel & Petrochemical
Manufacturers

1667 K Street, NW
Suite 700
Washington, DC
20006

CERTIFIED MAIL™

7013 3020 0000 7205 1205

U.S. POSTAGE
PAID
WASHINGTON, D
20036
FEB 17 17
AMOUNT
$7.29
R2304W120881-07

1000

Administrator Scott Pruitt
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code: 1101A
Washington, D.C. 20460

FEB 23 2017

Route EPA Mail

To: Pruitt,Scott

Mailstop ARN

Department: 1101A

AFPM
American
Fuel & Petrochemical
Manufacturers

API

February 17, 2017

Administrator Scott Pruitt
CC: Acting Administrator Catherine McCabe
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code: 1101A
Washington, D.C. 20460

Re: Request for Further Delay of Effective Date for the Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act (82 FR 4594)

Dear Administrator Pruitt,

The American Fuel & Petrochemical Manufacturers ("AFPM") and the American Petroleum Institute ("API") respectfully request that the effective date of the U.S. Environmental Protection Agency's ("EPA") *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act* ("RMP Rule") be delayed at least an additional 90 days beyond the current March 21, 2017 effective date.

AFPM is a trade association whose members include approximately 400 companies that encompass virtually all U.S. refining and petrochemical manufacturing capacity. AFPM has a significant interest in the effective date of the RMP Rule because most of its members operate facilities that are subject to the RMP Rule.

API's more than 625 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms, representing all facets of the oil and natural gas industry.

On January 13, 2017, EPA's RMP Rule was published in the *Federal Register*. One week later, the White House Office of the Press Secretary released a Memorandum for the Heads of Executive Departments and Agencies implementing a Regulatory Freeze Pending Review. This memorandum postponed the effective date of all regulations that have been published in the *Federal Register* but have not yet taken effect by 60 days to March 21, 2017, while also recognizing that "the Agency may consider delaying the effective dates" beyond March 21, 2017. The purpose of this freeze is to facilitate the review of recently published regulations by the new Administration. With your recent confirmation as EPA's Administrator, an additional delay of the effective date is needed to allow your meaningful review of the RMP Rule.

On February 1, 2017, Representative Markwayne Mullin introduced a Congressional Review Act ("CRA") resolution of disapproval of the RMP Rule, highlighting the various failures of the RMP Rule, including the increased security concerns from mandating sharing of sensitive information; the costliness of the rule with no corresponding benefit to safety; and EPA's lack of

statutory authority to promulgate the RMP Rule due to its encroachment into the Occupational Safety and Health Administration's ("OSHA") jurisdiction.

Given the significant failings of the RMP Rule, supported by the numerous comments submitted, AFPM and API urge EPA to further delay the effective date of the RMP Rule, at a minimum, by an additional 90 days to allow time for the new Administration to thoroughly review the rule in order to adequately address the many concerns raised by stakeholders.

Sincerely,

Richard Moskowitz
General Counsel
(202) 552-8474
RMoskowtiz@afpm.org

Ron Chittim
Manager – Downstream/Refining
API
(202) 682-8176
Chittim@api.org

(b) (6)

[redacted]

http://www.knowledgetothemax.com

Scott Pruitt

Office of the Administrator 1101A

Environmental Protection Agency

1200 Pennsylvania Avenue NW

Washington, DC 20400

Dear Mr. Pruitt

This is to warn you of a fallacy that is commonly used by organizations that include the EPA, the UNIPCC, the mainstream media, environmental lobbyists and left-leaning politicians in arguing for regulation by a government of greenhouse gas emissions. This fallacy is of the form of the equivocation fallacy.

An argument is an "equivocation" when a term changes meaning in the midst of this argument. An equivocation *looks like* a syllogism but while the conclusion of a syllogism is *true* the conclusion of an equivocation is *false* or unproved. Thus, to draw a conclusion from a syllogism is logically proper but to draw a conclusion from an equivocation is logically improper. To draw such a conclusion is the "equivocation fallacy."

Application of the equivocation fallacy is facilitated by use in making an argument of a term that is capable of changing meaning. A term that is capable of changing meaning is said to be "polysemic." Terms that are often polysemic in making global warming arguments include the words science, scientist, scientific, model and the word pairs predict/project, prediction/projection, validate/evaluate, validation/evaluation, science/pseudoscience. A word pair is polysemic when the words have differing meanings but are treated as synonyms in making an argument.

Application of the equivocation fallacy by an argument can be prevented by disambiguation of the language of an argument such that every term is monosemic. When arguments are disambiguated the fact is revealed that global warming climatology is currently pseudoscientific. Further information is available in the peer-reviewed article at http://wmbriggs.com/post/7923/ or by contacting me.

Cordially,

Terry Oldberg, B.M.E., M.S.E., M.S.E.E., P.E.

Engineer-scientist

(9) (9)

SAN FRANCISCO CA 940
SAN FRANCISCO
CA 941
18 FEB 17
18 FEB 2017 PM 4 L
PM 4 T

Scott Pruitt FEB 2 4 2017
Office of the administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20400

FCL 20359097

20004$2403

King County
Department of Transportation
Metro Transit Division
General Manager's Office
201 S. Jackson Street
KSC-TR-0415
Seattle, WA 98104-3856

February 15, 2017

Administrator
Environmental Protection Agency (EPA)
William Jefferson Clinton Federal Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Subject: Docket ID No. EPA-HQ-OAR-2016-0041; RIN: 2060-AS66

Dear EPA Administrator,

King County Metro (Metro) has one of the largest electric bus fleets in the nation. Metro's fleet of 164 electric trolley buses carry nearly 19 million passengers per year using clean energy from Seattle City Light. Metro has further reinforced its long term vision in electric transportation with the commitment to purchase up to 120 zero-emission battery buses. The first 29 vehicles are scheduled to go into service by 2019. The Federal Transit Administration (FTA) has assisted Metro's transition to a zero emission fleet with the recent grant of LoNo funding for building and improving upon charging station infrastructure. There is broad support in King County for electric transportation powered by renewable fuels. The King County Council recently passed legislation authorizing the sale of Renewable Identification Numbers (RINs) and Metro Transit is currently conducting a comprehensive analysis of the best approach for achieving a 100 percent zero-emissions fleet.

Perspective on Proposed Rule:
On behalf of King County Metro, we strongly support the EPA's effort to formalize the ability for cellulosic RIN generation from renewable electricity used as a transportation fuel. In determining the best structure for RIN generation, we agree with the EPA's stated goal:

> *The best case scenario would be the adoption of a structure for Generating RINs for renewable electricity that would simultaneously provide greater incentive for EV [electric vehicle] use and ownership (thereby reducing air pollution and GHG emissions from vehicles), increase the amount of renewable electricity produced, and minimize challenges related to program oversight.*[1]

As such, we strongly encourage the EPA to allow municipal EV fleet owners such as King County Metro to be eligible to generate RINs. Generating RINs from their EV charging will provide King County Metro with the needed revenue to support the continued expansion of our electric fleet,

[1]: https://www.federalregister.gov/d/2016-25292/p-866

which is one of the largest in the country. The incentive provided by the RIN will go directly to investing in electric vehicles and their necessary infrastructure, making their deployment more economically viable. This growth in EV adoption will then encourage the development of additional renewable natural gas projects yielding a decrease in greenhouse gases and a further reduction in the dependence on fossil fuels.

Municipal fleets are one of the most straightforward proposals to tie electricity generation to EV charging, and we urge your rapid action to approve this pathway. Measuring the amount of electricity used as transportation fuel is made simple by the fact that large fleet owners such as King County Metro have meters dedicated to EV charging and we purchase our own electricity, thereby completing the pathway from "source to sink" while mitigating concerns for double counting or fraud.

It is important to note that allowing municipal EV fleet owners to generate RINs would not preclude other structures for cellulosic RIN generation from renewable electricity. Because vehicle charging by municipal fleet owners occurs on dedicated electricity meters, it would be a straightforward proposition to identify this usage from other potential RIN generators such as utilities or auto-makers. This is similar in concept to the structure adopted by the California Air Resources Board where utilities are automatically eligible for credit generation. The advantage of the hybrid system is that the needed incentive can reach fleet-owners, but it is also inclusive of more EV usage than would be possible with a vehicle-owner only plan.

Conclusion:
King County Metro appreciates having the opportunity to comment on the Proposed Rule and to provide the unique perspective of a fleet owner of electric trolleys and zero emission buses. We are confident that the additional incentive provided by RIN revenue would allow fleet owners such as King County Metro to help the EPA achieve its goal of expanding electric vehicle adoption.

King County Metro appreciates EPA's consideration on this important issue, and looks forward to moving forward with constructive efforts to expand EV adoption and renewable electricity generation from biogas.

Sincerely,

Rob Gannon
General Manager

cc: Megan Smith, Director of Climate and Energy Initiatives, King County, WA

King County
METRO
Metro Transit Division
KSC-TR-0415
201 South Jackson Street
Seattle, WA 98104

FCL20355434

'7/17 SEA WA

PRESORTED
FIRST CLASS

US POSTAGE PITNEY BOWES
ZIP 98104 $ 000.42[3]
02 4W
0000337232 FEB 16 2017

FEB 24 2017

Administrator
Environmental Protection Agency (EPA)
1200 Pennsylvania Ave. N.W.
Washington DC 20460

1101A

5 ASF-IMB 20460

NEW YORK
STATE OF
OPPORTUNITY.

Department of Environmental Conservation

Department of Health

February 22, 2017

Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

Thank you for Acting Administrator McCabe's February 17, 2017 response to the recent letter from Governor Andrew Cuomo and state and local officials calling upon the U.S. Environmental Protection Agency (EPA) to set a clear, enforceable maximum contaminant level for 1,4-dioxane.

In her response, she explained that EPA must make regulatory determinations for at least five contaminants, including 1,4-dioxane, from the fourth Contaminant Candidate List by January 2021. However, there are no statutory constraints that preclude EPA from acting faster.

As Governor Cuomo stated in his February 11, 2017, letter, the issue of 1,4-dioxane is a national issue that demands a consistent national standard. We, therefore, reiterate our call for swift, decisive federal action.

Sincerely,

Howard Zucker M.D.

Howard A. Zucker, M.D., J.D.
Commissioner
Department of Health

Basil Seggos
Commissioner
Department of Environmental Conservation

STATE OF NEW YORK
DEPARTMENT OF HEALTH
ALBANY, N.Y. 12237

neopost
02/24/2017
US POSTAGE
FIRST-CLASS MAIL
$000.46⁰

ZIP 12237
041M12250229

MAR 02 2017

FCL 20362625

[redacted]

110 A